



MAR 03 2025

Hon. John H. Chun

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KURT BENSHOOF, et al.,

No.: 2:24-CV-00808-JHC

Plaintiffs,

v.

RESPONSE CITY OF SEATTLE'S  
MOTION FOR RECONSIDERATION &  
MOTION TO SEAL

ANDREA CHIN, et al.,

Defendants.

**I. INTRODUCTION**

Plaintiffs oppose the City of Seattle's Motion for Reconsideration and Motion to Seal (Dkt. #74) because they lack standing, are procedurally defective, and are brought in bad faith. Seattle's motions rely on irrelevant arguments, improper legal standards, and an attempt to mislead the Court into overturning a valid order.

Seattle's arguments fail on multiple grounds:

- Seattle has not been served and lacks standing to file these motions.
- Seattle fails to identify any manifest error or new evidence justifying reconsideration under LCR 7(h).
- The Motion to Seal does not comply with LCR 5(g)(3)(A)-(B) and is legally deficient.

RESPONSE CITY OF SEATTLE'S MOTION FOR RECONSIDERATION & MOTION  
TO SEAL

No. 2:24-CV-00808-JHC

1 Seattle's motions are not just procedurally improper—they represent a deliberate  
 2 attempt to obstruct justice and prejudice the Court against Plaintiffs.  
 3  
 4

5  
 6 **II. SEATTLE LACKS STANDING TO FILE THESE MOTIONS AND**  
 7 **ACTS IN BAD FAITH**

8  
 9 Seattle admits that it has not been served in this case (Dkt. #74, p. 2). Because  
 10 Seattle has not yet been served, it is not a party to this case and lacks standing to file any  
 11 motions at this time.  
 12

13  
 14 Non-parties lack standing to seek relief unless they have been properly joined to  
 15 the case. Seattle's filings are not just procedurally improper—they are part of a broader  
 16 pattern of obstruction, as detailed in Plaintiffs' Amended Complaint (Dkt. #69). These  
 17 latest filings should be seen as a continuation of Seattle's efforts to manipulate the  
 18 judicial process and improperly disadvantage Plaintiffs.  
 19  
 20  
 21

22  
 23  
 24 **A. Seattle's Motion Should Be Stricken as Improper**

25  
 26 Seattle has no standing and is not properly before this Court, and therefore its  
 27 motion must be stricken outright. The Federal Court may not rule on the merits of a case  
 28 without first determining that it has jurisdiction over the cause (subject-matter  
 29 jurisdiction) and the parties (personal jurisdiction). See *Sinochem Int'l Co. v. Malaysia*  
 30 *Int'l Shipping Corp.*, 549 U.S. 422, 430-31 (2007).  
 31  
 32  
 33  
 34  
 35

Because Seattle has not been served, the Court has no personal jurisdiction over it  
 and therefore cannot entertain Seattle's motions for reconsideration or sealing.

RESPONSE CITY OF SEATTLE'S MOTION FOR RECONSIDERATION & MOTION  
 TO SEAL

No. 2:24-CV-00808-JHC

1 **III. SEATTLE FAILS TO MEET THE STANDARD FOR**  
2 **RECONSIDERATION**

3  
4 Seattle fails to meet the high bar for reconsideration under LCR 7(h), which  
5 requires either:  
6

- 7  
8 1. Manifest error in the prior ruling, or  
9  
10 2. Newly discovered evidence that was not available earlier.  
11

12 Seattle presents neither. Rather than addressing the Court’s ruling on its merits,  
13  
14 Seattle improperly relies on an unrelated vexatious litigant order from a separate case in a  
15  
16 blatant attempt to prejudice the Court against Plaintiffs. \  
17

18 Courts have consistently condemned such tactics as an improper collateral attack  
19  
20 on judicial rulings and a waste of judicial resources. Seattle’s omission of any argument  
21  
22 to meet the high bar for reconsideration demonstrates that this motion is not a legitimate  
23  
24 request—it is a bad-faith effort to manipulate the Court. See, e.g., *In re Rainbow*  
25 *Magazine, Inc.*, 77 F.3d 278, 284 (9th Cir. 1996) (finding bad faith where litigant’s  
26  
27 actions “were intended to manipulate judicial proceedings”).  
28

29 Seattle’s motion is not about correcting a legal error—it is a transparent attempt to  
30  
31 misuse judicial procedure to gain an unfair advantage —**before it has even been served.**  
32  
33 The Court should not entertain such bad-faith litigation tactics and should summarily  
34  
35 deny the motion.

**IV. SEATTLE FAILS TO JUSTIFY SEALING UNDER LCR 5(g)(3)(A)-(B)**  
**RESPONSE CITY OF SEATTLE’S MOTION FOR RECONSIDERATION & MOTION**  
**TO SEAL**

No. 2:24-CV-00808-JHC

1 Seattle's Motion to Seal is procedurally improper and legally deficient. Under  
2  
3 LCR 5(g)(3)(A)-(B), a motion to seal must:

- 4  
5 1. Include a certification that the party met and conferred about redaction  
6 alternatives.  
7  
8 2. Demonstrate a legitimate public or private interest justifying sealing.  
9  
10 3. Show why redaction would not suffice.  
11

12  
13 Seattle fails on all three prongs.

- 14  
15 • No meet-and-confer certification is included.  
16  
17 • Seattle fails to articulate a legitimate public or private interest warranting sealing.  
18  
19 • Seattle fails to explain why redaction would not suffice to protect any valid  
20 interest.  
21

22  
23 Seattle's attempt to equate lawful service of process with harassment is baseless,  
24 legally flawed, and a transparent effort to prejudice the Court. The suggestion that sealing  
25 the summons would prevent alleged harassment is meritless, as Plaintiffs already have  
26 the necessary information to effect service.  
27  
28

29  
30 Seattle cites *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172 (9th Cir.  
31 2006), but misapplies it in an attempt to obscure the fact that it has no legitimate grounds  
32 for sealing. In *Kamakana*, the Ninth Circuit held that compelling reasons are required to  
33  
34 justify sealing court records in dispositive motions. Here, Seattle offers no compelling  
35 reason—or even a minimally legitimate interest—to justify sealing.

RESPONSE CITY OF SEATTLE'S MOTION FOR RECONSIDERATION & MOTION  
TO SEAL

No. 2:24-CV-00808-JHC

1 Seattle fails to articulate any legitimate public or private interest in sealing  
 2  
 3 because none exist. Instead, it relies on citing the unrelated case in *Kamakana* in order to  
 4 obfuscate its lack of any interest in sealing.  
 5

6  
 7 Seattle's motion is not about privacy—it is a delay tactic and a blatant attempt to  
 8 manipulate this Court. Seattle's misuse of judicial procedures to obstruct Plaintiffs' case  
 9 is a continuation of its broader pattern of bad-faith litigation tactics.  
 10  
 11

## 12 13 **V. SEATTLE'S FILINGS ARE A BAD-FAITH ATTEMPT TO** 14 **PREJUDICE THE COURT** 15

16 Seattle's motions are not merely procedurally improper—they are an overt  
 17 attempt to manipulate the Court by injecting irrelevant and prejudicial material into the  
 18 record.  
 19  
 20

21  
 22 By raising an unrelated vexatious litigant order from a separate case and falsely  
 23 equating lawful service of process with harassment, Seattle seeks to taint the Court's  
 24 view of Plaintiffs rather than address the legal merits of its motions—even before it has  
 25 been served.  
 26  
 27

28  
 29 Seattle's conduct is part of a broader pattern of obstruction, as detailed in  
 30 Plaintiffs' Amended Complaint (Dkt. #69). This misuse of judicial process is not an  
 31 isolated incident—it is part of Seattle's ongoing bad-faith litigation tactics designed to  
 32 evade accountability.  
 33  
 34  
 35

Courts have condemned such abusive litigation tactics as an improper collateral  
 RESPONSE CITY OF SEATTLE'S MOTION FOR RECONSIDERATION & MOTION  
 TO SEAL  
 No. 2:24-CV-00808-JHC

1 attack on judicial rulings and an attempt to derail proper judicial proceedings.  
2  
3

4 **VI. CONCLUSION**  
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6

7 For the foregoing reasons, Plaintiffs request that the Court deny and strike the  
8 City of Seattle's Motion for Reconsideration and Motion to Seal in their entirety.  
9

10  
11 Seattle's motions lack merit, are procedurally deficient, and serve no legitimate  
12 legal purpose. Rather than addressing the merits of this case, they are transparently  
13 designed to obstruct justice and prejudice the Court against Plaintiffs.  
14  
15

16  
17 Seattle's reliance on irrelevant claims, misuse of judicial procedures, and ongoing  
18 pattern of obstruction demonstrate that these filings were made in bad faith and should be  
19 rejected by this Court.  
20  
21

22 Respectfully submitted on this day of March , 2025.  
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24  
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27

28  
29  
30 By: 

31  
32 KURT BENSHOOF, Plaintiff

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**CERTIFICATE OF COMPLIANCE**

I certify that this RESPONSE contains 1,048 words in compliance with the Local  
Civil Rules of the King County Superior Court as amended September 1, 2024.

DATED this 21st day of February, 2025, by Urve Maggitti

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TO SEAL

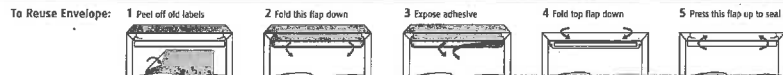
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